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Attorneys for Debtor

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	
MARY A. CATALANO	§	CASE NO. 05-44803
XXX-XX-7919	§	
1909 W. Holly Trail	§	CHAPTER 13
Holly Lake Ranch, TX 75765	§	
Debtor.	§	

MOTION TO REFUND UNCLAIMED FUNDS TO DEBTOR

TO THE HONORABLE BRENDA RHOADES, U.S. BANKRUPTCY JUDGE:

COMES NOW, Debtor, MARY A. CATALANO ("Debtor"), and files this her Motion to Refund Unclaimed Funds to Debtor, and in support thereof would show the Court as follows:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS MOTION SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

1. Debtor's Chapter 13 Plan was confirmed on May 3, 2006. However, on May 16, 2006, this case was dismissed by the Debtor. Subsequent to the dismissal of the case, the Debtor's real property located at 3502 Parker Road, Wylie, Texas, was sold at which time American National Bank of Texas was paid its secured claim in full.

2. On July 12, 2006, the Chapter 13 Trustee filed a Notice to Deposit Funds into the Unclaimed Funds Registry of the United States Bankruptcy Court ("Notice"). In the Notice, the Trustee represented that the sum of \$3,112.48 had been reserved for American National Bank of Texas (the "Bank") because the distribution checks to the Bank had not been negotiated. Inasmuch as the Bank has now been paid in full, the reserved funds should be refunded to the Debtor.

3. The Debtor therefore requests that the sum of \$3,112.48 being held in the registry of the United States Bankruptcy Court be refunded to the Debtor, Mary A. Catalano, and forwarded to her at 1909 W. Holly Trail, Holly Lake Ranch, Texas 75765.

WHEREFORE, PREMISES CONSIDERED, Debtor requests that the Court grant Debtor's Motion to Dismiss and such other and further relief to which Debtor may be justly entitled.

Respectfully Submitted,

SHEILS WINNUBST SANFORD & BETHUNE,
A Partnership of Professional Corporations

By: /s/ T. Craig Sheils
T. Craig Sheils
State Bar No. 18187350

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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Refund Unclaimed Funds to Debtor was served upon Greg. R. Arno, Office of the Standing Chapter 13 Trustee, 500 N. Central Expressway, Suite 350, Plano, Texas 75074, via ECF and upon the following via first class mail, on the 22nd day of August, 2006:

American National Bank
P.O. Box 40
Terrell, TX 75160

GMAC
P.O. Box 630070
Dallas, TX 75263-0070

Settle Pou
3333 Lee Parkway
8th Floor
Dallas, TX 75219

HSBC Card Services
P.O. Box 60102
City Of Industry, CA 91716-0102

/s/ T. Craig Sheils
T. Craig Sheils